

## **REMARKS**

Claims 1-15 are pending in this application; claims 1-3 and 9 are independent claims. All pending claims stand rejected in the Office Action dated February 22, 2007, mainly on the teaching of published application US 2003/0064758 to Mizuta et al. In response to the Office Action, Applicant has amended independent claims 1 and 9 and dependent claim 3. In view of the amendments to those independent claims, Applicant respectfully submits all the pending claims are now allowable over the cited prior art.

### **Rejection of Claims 1, 2, 4, 5 and 8**

Claims 1, 2, 4, 5 and 8 stand rejected under 35 USC 102(e) as being anticipated by Mizuta et al.

Applicant has amended claim 1 to clarify that the speaker section is operated in both a first mode and a second mode as controlled by the control section. The first mode is operational when the housings are in the closed state, and the second mode is operational when the housings are in the opened state. Specifically, claim 1 now recites "a communication control section for enabling a communication in the closed state and operating said speaker section in said first mode of operation in the closed state, and switching said speaker section from said first mode of operation to said second mode of operation when enabling the communication to be continued even after both of said housings are brought into the opened state from the closed state while the communication is in progress." The amendments to claim 1 are fully supported by the original specification and therefore do not raise new matter. See, for example, paragraph [0064] of the published application, US 2004/0166907.

Mizuta et al. does not disclose a radiotelephone as claimed. As acknowledged by the Office Action, Mizuta et al. discloses a portable information terminal having an upper unit 200 that is movable between an opened state and a closed state and can be rotated in numerous directions. See paragraphs [031] -[0038] and [0141] of Mizuta et al. In Mizuta et al., speech signals are received in the typical way by opening the telephone, as shown for example in Fig. 9b. See paragraphs [0128] -[0134] of Mizuta et al. Mizuta et al. further discloses that the device may be used to receive and transmit character data when the upper unit 200 is in a folded state with the display unit 202 facing out. See paragraph [0142] of Mizuta et al. Thus, as discussed, Mizuta et al. discloses a device that operates conventionally for speech signals and may also be used for receiving and transmitting character data based on the orientation of the upper unit 200. However, Mizuta et al. does not disclose " a first housing having at least a display section and a speaker section having a first mode of operation and a second mode of operation" and "a communication control section for enabling a communication in the closed state and operating said speaker section in said first mode of operation in the closed state, and switching said speaker section from said first mode of operation to said second mode of operation when enabling the communication to be continued even after both of said housings are brought into the opened state from the closed state while the communication is in progress." Moreover, Mizuta et al. does not permit continued communication while the housings are moved from the closed state to the opened state by switching between modes of operation.

For the foregoing reasons, Applicant respectfully submits claim 1 and its dependent claims 2, 4, 5 and 8 are allowable of Mizuta et al.

### Rejection of Claims 3, 6, 9, 10, 11, 13 and 14

Claims 3, 6, 9, 10, 11, 13 and 14 are rejected under 35 USC 103(a) as unpatentable over Mizuta et al. in view of US Patent No. 6,993,366 to Kim. Kim does not supply any of the deficiencies of Mizuta et al. with respect to the elements of claim 1 as discussed above.

Claim 3, which is dependent on claim 1, has been amended to make it consistent with the amendments to claim 1. Claim 6 depends on claim 3. Applicant respectfully submits that claim 3 and claim 6 are allowable over Mizuta et al. and Kim for at least the reasons that claim 1 is allowable over Mizuta et al.

Applicant has also amended claim 9 to now recite that the operation of the first and second speaker is controlled by a controller "based on whether said radiotelephone is in the opened state or in the closed state and controls continuing communication to be continued even after the portable radiotelephone is brought into the opened state from the closed state while the communication is in progress." Like the device of claim 1, claim 9 requires that communication be continued even after the device is brought into the opened state from the closed state. Here, again, Mizuta et al. fails to disclose the claimed device. As discussed above, there is no disclosure or appreciation in Mizuta et al. that the operation of the first and second speaker is controlled based on whether the device is in the opened or closed state. As discussed, the benefits of such operation are clear in allowing the user to move the device from the closed state to the open state without interrupting the communication.

Kim is equally unavailing in failing to disclose that the operation of the first and second speaker is controlled by a controller "based on whether said radiotelephone is in the opened state or in the closed state and controls continuing communication to be continued even

after the portable radiotelephone is brought into the opened state from the closed state while the communication is in progress." In Kim, a first and second speaker are located on a first and second housing, respectively. There is no disclosure of operating the first and second speaker in response to the position of the housing while maintaining communication when moving the device from the closed state to the opened state.

For the foregoing reasons, Applicant respectfully submits independent claim 9 and its dependent claims 10, 11, 13 and 14 are allowable over Mizuta et al in view of Kim.


#### Rejection of Claims 7, 12 and 15

Claims 7 and 12 are rejected under 35 USC 103(a) as unpatentable over Mizuta et al. in view of Kim as applied to claim 6 and 11 and further in view of US Patent No. 6,819,939 to Masamura. Claim 15 is rejected under 35 USC 103(a) as unpatentable over Mizuta et al. in view of Kim as applied to claim 9 and further in view of US published application US 2002/0198017 to Babasaki et al. Neither Masamura nor Babasaki et al. disclose operating the first and second speaker in response to the position of the housing while maintaining communication when moving the device from the closed state to the opened state. Thus, claims 7, 12 and 15, which depend from claim 9, are allowable at least for the reasons that claim 9 is allowable.

It is believed that no fees are due in connection with the present amendment. However, should any fees or extensions be necessary, payment of the appropriate amount and/or granting of the appropriate extension is requested, and the Commissioner is directed to debit our deposit account, Account No. 50-0675, Order No. 848075/0060, for the amounts required.

Respectfully submitted,

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